



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



356227

E.6
10-5-04

OCT 05 2004

REPLY TO THE ATTENTION OF:

Western Minerals Industrial Site

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Electramatic
Steven Gilbertson
1815 Jefferson Street NE
Minneapolis, MN 55418-4426

RE: Western Minerals Industrial Property Site #B5P2 OU1
Demand Letter

Dear Mr. Gilbertson:

The United States Environmental Protection Agency (U.S. EPA) in cooperation with the (State Agency), has been conducting response actions to address contamination at the Western Minerals Industrial Property Site, in Minneapolis, Minnesota. U.S. EPA took these actions under authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-499 100 Stat. 1613 (1986). Prior to undertaking these response actions, U.S. EPA determined that there was a release or threatened release of hazardous substances from the Western Minerals Industrial Property Site. The U.S. EPA undertook the response actions using monies authorized by CERCLA, as amended.

During the response, U.S. EPA undertook several actions at the Site. They included the following:

1. Secured the Site;
2. Obtained access to stabilize and investigate the nature and extent of asbestos contamination at the Site;
3. Determined the horizontal extent of surface amphibole asbestos contamination and identify areas to be addressed;
4. Excavated and removed asbestos-containing material and asbestos-contaminated soils to a maximum depth of 18 inches at the industrial properties;
5. Excavated and removed asbestos-containing material and

asbestos-contaminated soils horizontally until no asbestos was present, as detected by lab analysis;

6. Analyzed bulk asbestos samples using standard Polarized Light Microscopy (PLM) methods. Supplemented PLM analysis with Transmission Electron Microscopy (TEM) for samples with lower concentrations of asbestos to assess whether contamination was present and whether sufficient removal had occurred;
7. Installed a synthetic liner at the bottom of the excavated area prior to backfilling;
8. Backfilled excavated areas with clean soil and restored property to original pre-removal condition, documenting both pre- and post- removal conditions;
9. Properly handled and disposed of contaminated soils and asbestos-containing material at an EPA-approved off-site disposal facility;
10. Performed personal air sampling and ambient air sampling during response activities; and
11. Implemented engineering measures to control dust and minimize air emissions during the cleanup.

Response costs associated with this Site have been incurred by U.S. EPA. The approximate U.S. EPA response costs identified up to August 31, 2004 for the above referenced Site are \$991,690.29. A summary is enclosed.

Information available to U.S. EPA indicates among other things that you are potentially responsible for the release, or threat of release of hazardous substances from the Site. Pursuant to the provisions of Section 107(a) of CERCLA, and based on evidence currently available to the Agency, U.S. EPA believes that you may be liable for the payment of all costs incurred by U.S. EPA in connection with the Site. Partial payments will not release the payor of liability for payment of the rest of the costs that are owed to U.S. EPA. Limiting language on the check or in accompanying letters will be considered to be advisory only and will not be considered as placing conditions on the amount paid or as limiting liability on other costs demanded in this letter.

Such payment must be made by a cashier's or certified check made payable to the "U.S. EPA Hazardous Substance Superfund", which is established by the Internal Revenue Code, 26 U.S.C. §9507, and

administered by U.S. EPA. Please send your check to U.S. EPA - Region 5, Attn: Program Accounting & Analysis Section, P.O. Box 70753, Chicago, Illinois 60673. Place the following Site Identification Number on the check: B5P2 OU1. Please send a copy of your payment check to William Messenger, Chief, Emergency Enforcement Support Section, U.S. EPA, Region 5, Superfund Division (SE-5J), 77 W. Jackson Blvd., Chicago, Illinois 60604, and to Thomas Krueger, Office of Regional Counsel, U.S. EPA, Region 5 (C-14J), 77 W. Jackson Blvd., Chicago, Illinois 60604.

We hereby demand that you make restitution by payment of the amount in this letter expended by the Agency in connection with the Site pursuant to authority of CERCLA, as amended. Pursuant to Section 107(a) of CERCLA, as amended, interest shall begin accruing as of the date of this demand, if payment is not received within thirty (30) days of the date of this letter.

If you desire to discuss your liability with U.S. EPA, please contact Thomas Krueger, Assistant Regional Counsel, in writing no later than seven (7) days after the date of this letter. Thomas Krueger may also be reached by phone at (312)886-0562.

If we do not receive a response from you within this time frame, U.S. EPA will assume that you have declined to reimburse the Fund for the Site expenditures, and pursuant to CERCLA, U.S. EPA may pursue civil litigation against you to recover all of its costs, with interest.

Sincerely,



Thomas F. Geishecker, Acting Chief
Emergency Response Branch

Enclosure

Itemized Cost Summary

WESTERN MINERAL PRODUCTS, MINNEAPOLIS, MN SITE ID = B5 P2

Operable Unit(s): 01

Costs Through 08/31/2004.

REGIONAL PAYROLL COSTS	\$27,026.61
SITE-SPECIFIC CLEANUP CONTRACT (SSC)	
EARTH TECH INC. (68-S5-9802)	\$624,158.01
EPA INDIRECT COSTS	\$340,505.67
Total Site Costs:	\$991,690.29

Regional Payroll Costs

WESTERN MINERAL PRODUCTS, MINNEAPOLIS, MN SITE ID = B5 P2

Operable Unit(s): 01

Costs Through 08/31/2004.

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Hours</u>	<u>Payroll Costs</u>
BENSING, MILAGROS V. ENVIRONMENTAL PROTECTION SPECIALIST	2004	02	0.50	21.85
			<u>0.50</u>	<u>\$21.85</u>
DAVIS, TRACY OFFICE AUTOMATION ASSISTANT	2001	22	0.50	6.39
			<u>0.50</u>	<u>\$6.39</u>
KRUEGER, THOMAS J. GENERAL ATTORNEY	2001	23	4.25	246.09
		24	2.00	115.79
	2002	01	0.50	28.94
		02	0.50	28.95
		03	0.75	42.85
		12	1.00	65.77
		15	0.50	32.88
		16	0.25	16.47
		17	1.50	98.65
		19	0.50	32.88
		20	2.50	164.41
		21	2.00	131.54
		22	3.25	213.77
		23	10.00	657.67
		24	0.25	16.47
	2003	06	0.25	15.68
		10	2.50	170.74
		12	1.25	85.40
		14	1.00	69.19
		15	1.75	121.11
		17	3.00	207.56
		18	0.25	17.33
	2004	10	0.25	18.23
		19	0.50	37.24
		24	1.00	74.48
			<u>41.50</u>	<u>\$2,710.09</u>
MICKE, FREDRICK A. ENVIRONMENTAL ENGINEER	2001	21	6.00	274.08
		22	29.00	1,324.72
		23	14.00	639.52

Regional Payroll Costs

WESTERN MINERAL PRODUCTS, MINNEAPOLIS, MN SITE ID = B5 P2

Operable Unit(s): 01

Costs Through 08/31/2004.

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Hours</u>	<u>Payroll Costs</u>
MICKE, FREDRICK A.	2001	24	19.00	867.93
		25	16.00	730.88
		26	94.50	3,906.03
		27	60.50	2,378.13
	2002	01	73.00	2,638.16
		02	106.00	4,424.03
		03	57.00	2,448.78
		04	3.00	140.48
		05	3.00	140.48
		06	6.00	280.94
		07	3.00	140.48
		08	3.00	140.47
		09	3.00	148.19
		10	3.00	148.18
		11	5.00	246.96
		14	2.00	98.78
		15	9.00	444.61
		16	2.00	98.81
		17	11.00	543.38
		20	2.00	98.78
		21	3.00	148.18
		22	4.00	197.57
		23	13.00	642.16
		24	6.00	296.40
	2003	03	6.00	293.83
		04	2.00	97.95
	2004	17	1.00	53.91
			<u>565.00</u>	<u>\$24,032.80</u>
NACHOWICZ, LINDA M. ENVIRONMENTAL SCIENTIST	2001	22	1.00	50.83
		23	1.00	50.83
		24	1.50	76.25
		25	0.50	25.43
			<u>4.00</u>	<u>\$203.34</u>
ROPSKI, CAROL A.	2004	13	1.00	52.14
GRASZER, CAROL A.				

Regional Payroll Costs

WESTERN MINERAL PRODUCTS, MINNEAPOLIS, MN SITE ID = B5 P2

Operable Unit(s): 01

Costs Through 08/31/2004.

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Hours</u>	<u>Payroll Costs</u>
ENVIRONMENTAL PROTECTION SPECIALIST			1.00	\$52.14
Total Regional Payroll Costs			612.50	\$27,026.61

Headquarters Payroll Costs

WESTERN MINERAL PRODUCTS, MINNEAPOLIS, MN SITE ID = B5 P2

Operable Unit(s): 01

Costs Through 08/31/2004.

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Hours</u>	<u>Payroll Costs</u>
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Regional Travel Costs

WESTERN MINERAL PRODUCTS, MINNEAPOLIS, MN SITE ID = B5 P2

Operable Unit(s): 01

Costs Through 08/31/2004.

<u>Traveler/Vendor Name</u>	<u>Travel Number</u>	<u>Treasury Schedule</u>	<u>Treasury Schedule Date</u>	<u>Travel Costs</u>
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Headquarters Travel Costs

WESTERN MINERAL PRODUCTS, MINNEAPOLIS, MN SITE ID = B5 P2

Operable Unit(s): 01

Costs Through 08/31/2004.

<u>Traveler/Vendor Name</u>	<u>Travel Number</u>	<u>Treasury Schedule</u>	<u>Treasury Schedule Date</u>	<u>Travel Costs</u>
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Contract Costs

WESTERN MINERAL PRODUCTS, MINNEAPOLIS, MN SITE ID = B5 P2

Operable Unit(s): 01

Costs Through 08/31/2004.

SITE-SPECIFIC CLEANUP CONTRACT (SSC)

Contractor Name: EARTH TECH INC.

EPA Contract Number: 68-S5-9802

Delivery Order Information	<u>DO #</u>	<u>Start Date</u>	<u>End Date</u>
	5055	07/25/2001	10/19/2003
	5057	09/04/2001	01/18/2002

Project Officer(s): BOSEMAN, ANITA L.
 MICKE, FREDRICK A.
 VEGA, SONIA R.

Dates of Service: From: 07/25/2001 To: 11/22/2002

Summary of Service:

Total Costs: \$624,158.01

<u>Voucher Number</u>	<u>Voucher Date</u>	<u>Voucher Amount</u>	<u>Treasury Schedule Number and Date</u>	<u>Site Amount</u>	<u>Annual Allocation</u>
47062-01	10/12/2001	18,298.75	02069 11/07/2001	18,298.75	242.44
47062-02	11/06/2001	140,945.05	02121 12/04/2001	140,945.05	1,867.38
47062-03	12/21/2002	250,490.95	02230 01/24/2002	250,490.95	3,318.75
47062-04	01/17/2002	205,301.31	02265 02/12/2002	205,301.31	2,720.04
47062-05	02/01/2002	960.61	02292 02/27/2002	960.61	12.73
Total:				<u>\$615,996.67</u>	<u>\$8,161.34</u>

Contract Costs

WESTERN MINERAL PRODUCTS, MINNEAPOLIS, MN SITE ID = B5 P2

Operable Unit(s): 01

Costs Through 08/31/2004.

SITE-SPECIFIC CLEANUP CONTRACT (SSC)

Contractor Name: EARTH TECH INC.

EPA Contract Number: 68-S5-9802

Delivery Order Information	<u>DO #</u>	<u>Start Date</u>	<u>End Date</u>
	5055	07/25/2001	10/19/2003
	5057	09/04/2001	01/18/2002

Project Officer(s): BOSEMAN, ANITA L.
MICKE, FREDRICK A.
VEGA, SONIA R.

Dates of Service: From: 07/25/2001 To: 11/22/2002

Summary of Service:

Total Costs: \$624,158.01

<u>Voucher Number</u>	<u>Schedule Number</u>	<u>Rate Type</u>	<u>Annual Allocation Rate</u>
47062-01	02069	Provisional	0.013249
47062-02	02121	Provisional	0.013249
47062-03	02230	Provisional	0.013249
47062-04	02265	Provisional	0.013249
47062-05	02292	Provisional	0.013249

Financial Cost Summary for the Contract Lab Program

WESTERN MINERAL PRODUCTS, MINNEAPOLIS, MN SITE ID = B5 P2

Operable Unit(s): 01

Costs Through 08/31/2004.

CONTRACT LAB PROGRAM (CLP) COSTS

Miscellaneous (MIS) Costs

WESTERN MINERAL PRODUCTS, MINNEAPOLIS, MN SITE ID = B5 P2

Operable Unit(s): 01

Costs Through 08/31/2004.

EPA Indirect Costs

WESTERN MINERAL PRODUCTS, MINNEAPOLIS, MN SITE ID = B5 P2

Operable Unit(s): 01

Costs Through 08/31/2004.

<u>Fiscal Year</u>	<u>Direct Costs</u>	<u>Indirect Rate(%)</u>	<u>Indirect Costs</u>
2001	10,692.90	42.38%	4,531.66
2002	639,155.08	52.45%	335,236.84
2003	1,078.79	55.15%	594.96
2004	257.85	55.15%	142.21
	<u>651,184.62</u>		
Total EPA Indirect Costs			<u>\$340,505.67</u>

EPA Indirect Costs

WESTERN MINERAL PRODUCTS, MINNEAPOLIS, MN SITE ID = B5 P2

Operable Unit(s): 01

Costs Through 08/31/2004.

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
DAVIS, TRACY	2001	22	6.39	42.38%	2.71
			6.39		\$2.71
KRUEGER, THOMAS J.	2001	23	246.09	42.38%	104.29
		24	115.79	42.38%	49.07
			361.88		\$153.36
MICKE, FREDRICK A.	2001	21	274.08	42.38%	116.16
		22	1,324.72	42.38%	561.42
		23	639.52	42.38%	271.03
		24	867.93	42.38%	367.83
		25	730.88	42.38%	309.75
		26	3,906.03	42.38%	1,655.38
		27	2,378.13	42.38%	1,007.85
			10,121.29		\$4,289.42
NACHOWICZ, LINDA M.	2001	22	50.83	42.38%	21.54
		23	50.83	42.38%	21.54
		24	76.25	42.38%	32.31
		25	25.43	42.38%	10.78
			203.34		\$86.17
Total Fiscal Year 2001 Payroll Direct Costs:			10,692.90		\$4,531.66
Total Fiscal Year 2001:			10,692.90		\$4,531.66

EPA Indirect Costs

WESTERN MINERAL PRODUCTS, MINNEAPOLIS, MN SITE ID = B5 P2

Operable Unit(s): 01

Costs Through 08/31/2004.

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
KRUEGER, THOMAS J.	2002	01	28.94	52.45%	15.18
		02	28.95	52.45%	15.18
		03	42.85	52.45%	22.47
		12	65.77	52.45%	34.50
		15	32.88	52.45%	17.25
		16	16.47	52.45%	8.64
		17	98.65	52.45%	51.74
		19	32.88	52.45%	17.25
		20	164.41	52.45%	86.23
		21	131.54	52.45%	68.99
		22	213.77	52.45%	112.12
		23	657.67	52.45%	344.95
		24	16.47	52.45%	8.64
			1,531.25		\$803.14
MICKE, FREDRICK A.	2002	01	2,638.16	52.45%	1,383.71
		02	4,424.03	52.45%	2,320.40
		03	2,448.78	52.45%	1,284.39
		04	140.48	52.45%	73.68
		05	140.48	52.45%	73.68
		06	280.94	52.45%	147.35
		07	140.48	52.45%	73.68
		08	140.47	52.45%	73.68
		09	148.19	52.45%	77.73
		10	148.18	52.45%	77.72
		11	246.96	52.45%	129.53
		14	98.78	52.45%	51.81
		15	444.61	52.45%	233.20
		16	98.81	52.45%	51.83
		17	543.38	52.45%	285.00
		20	98.78	52.45%	51.81
		21	148.18	52.45%	77.72
		22	197.57	52.45%	103.63
		23	642.16	52.45%	336.81

EPA Indirect Costs

WESTERN MINERAL PRODUCTS, MINNEAPOLIS, MN SITE ID = B5 P2

Operable Unit(s): 01

Costs Through 08/31/2004.

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
MICKE, FREDRICK A.	2002	24	296.40	52.45%	155.46
			13,465.82		\$7,062.82

Total Fiscal Year 2002 Payroll Direct Costs:

14,997.07

\$7,865.96

OTHER DIRECT COSTS

<u>Contract, IAG, SCA, Misc.NO</u>	<u>Voucher Number</u>	<u>Treasury Schedule Date</u>	<u>Site Amount</u>	<u>Annual/SMO Allocation Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
68-S5-9802	47062-01	11/07/2001	18,298.75	242.44	52.45%	9,724.85
	47062-02	12/04/2001	140,945.05	1,867.38	52.45%	74,905.12
	47062-03	01/24/2002	250,490.95	3,318.75	52.45%	133,123.19
	47062-04	02/12/2002	205,301.31	2,720.04	52.45%	109,107.20
	47062-05	02/27/2002	960.61	12.73	52.45%	510.52
			615,996.67	8,161.34		\$327,370.88

Total Fiscal Year 2002 Other Direct Costs:

615,996.67

8,161.34

\$327,370.88

Total Fiscal Year 2002:

639,155.08

\$335,236.84

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
KRUEGER, THOMAS J.	2003	06	15.68	55.15%	8.65
		10	170.74	55.15%	94.16
		12	85.40	55.15%	47.10
		14	69.19	55.15%	38.16
		15	121.11	55.15%	66.79
		17	207.56	55.15%	114.47

EPA Indirect Costs

WESTERN MINERAL PRODUCTS, MINNEAPOLIS, MN SITE ID = B5 P2

Operable Unit(s): 01

Costs Through 08/31/2004.

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
KRUEGER, THOMAS J.	2003	18	17.33	55.15%	9.56
			687.01		\$378.89
MICKE, FREDRICK A.	2003	03	293.83	55.15%	162.05
		04	97.95	55.15%	54.02
			391.78		\$216.07
Total Fiscal Year 2003 Payroll Direct Costs:			1,078.79		\$594.96
Total Fiscal Year 2003:			1,078.79		\$594.96

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
BENSING, MILAGROS V.	2004	02	21.85	55.15%	12.05
			21.85		\$12.05
KRUEGER, THOMAS J.	2004	10	18.23	55.15%	10.05
		19	37.24	55.15%	20.54
		24	74.48	55.15%	41.08
			129.95		\$71.67
MICKE, FREDRICK A.	2004	17	53.91	55.15%	29.73
			53.91		\$29.73

EPA Indirect Costs

WESTERN MINERAL PRODUCTS, MINNEAPOLIS, MN SITE ID = B5 P2

Operable Unit(s): 01

Costs Through 08/31/2004.

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
ROPSKI, CAROL A.	2004	13	52.14	55.15%	28.76
			52.14		\$28.76
Total Fiscal Year 2004 Payroll Direct Costs:			257.85		\$142.21
Total Fiscal Year 2004:			257.85		\$142.21
Total EPA Indirect Costs					\$340,505.67



Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U.S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and State environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. Many public libraries provide access to the Internet at minimal or no cost.

EPA's Small Business Home Page (<http://www.epa.gov/sbo>) is a good place to start because it links with many other related websites. Other useful websites include:

EPA's Home Page

<http://www.epa.gov>

Small Business Assistance Programs

<http://www.epa.gov/ttn/sbap>

Compliance Assistance Home Page

<http://www.epa.gov/oeca/oc>

Office of Site Remediation Enforcement

<http://www.epa.gov/oeca/osre>

Hotlines, Helplines and

Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance on environmental requirements.

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs. Key hotlines include:

EPA's Small Business Ombudsman
(800) 368-5888

Hazardous Waste/Underground Tanks/
Superfund
(800) 424-9346

National Response Center
(to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants
Information
(800) 296-1996

Clean Air Technical Center
(919) 541-0800

Wetlands Hotline
(800) 832-7828

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